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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,137	05/10/2001	Marty J. Ryberg	101948017US1	6194

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EXAMINER

BELIVEAU, SCOTT E

ART UNIT PAPER NUMBER

2614

DATE MAILED: 02/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/853,137

Applicant(s)

RYBERG, MARTY J.

Examiner

Scott Beliveau

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20020307</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged. The provisional application upon which priority is claimed provides adequate support under 35 U.S.C. 112 for claims 1-14 of this application; therefore the application shall be examined on the basis of its priority date of 21 December 21 2000.

Claim Objections

2. Claim 8 is objected to because the term "sear" should be amended to read "seat".
Appropriate correction is required.
3. Claim 9 is objected to because the phrase "the group consistently essentially" should be amended to read "the group consisting essentially" for grammatical clarity. Appropriate correction is required.
4. Claims 12 and 13 are objected to because the phrase "the passenger transducer" lacks proper antecedent basis to the earlier recitation of "a passenger audio transducer". In light of the specification, it appears that the claim is referring to audio/video transducers [120] associated with the "second audio processing unit". Accordingly, for the purpose of examination, the recitation of "the passenger transducer comprises a speaker" (claim 12) and the recitation that "the passenger transducer comprises a video monitor" (claim 13) shall be interpreted as being associated with the "second audio processing unit". Appropriate correction is required.

Claim Rejections - 35 USC § 102

Art Unit: 2614

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Galipeau et al. (US Pat No. 6,249,913 B1).

In consideration of claim 1, Figure 1 of the Galipeau et al. reference illustrates an “integrated communication system for an aircraft” [10] having “at least one passenger seat” [12] (Col 4, Line 51 – Col 4, Line 20). As illustrated in Figures 6/B, the system comprises an “integrated signal unit” [18] that is operable to “receive and transmit a plurality of signals of disparate nature to and from a user of the at least one passenger seat in the aircraft” [12] (Col 6, Line 64 – Col 9, Line 21), a “plurality of aircraft communication links” [20] “interfaced with the integrated signal unit for carrying the plurality of signals of disparate nature throughout the aircraft” [10] from sources of the plurality of signals of disparate nature” [72] (Col 5, Lines 26-34), and a “receiving device” [124/130/144/154] “interfaced to at least one passenger seat and in communication with the integrated signal unit” [18] for “receiving at least one of the plurality of signals and outputting a signal to a passenger in the passenger seat” (Figure 9B).

In consideration of claim 2, for the purposes of searching for and applying prior art under 35 U.S.C. 102 and 103, the phrase "consisting essentially of" has been construed as equivalent to "comprising" in accordance with MPEP 2111.03. Accordingly, the claim is

Art Unit: 2614

rejected wherein the “plurality of signals of disparate nature comprise the group consisting essentially of audio, video, and data signals” (Col 3, Lines 1-10).

In consideration of claim 3, the instant application does not particularly define “telecommunications wiring”. Accordingly, the “communication links further comprise telecommunications wiring” [20] the disclosed wiring facilitates telecommunication services (Col 4, Lines 21-52).

Claim 4 is rejected wherein the “receiving device comprises a speaker” (Col 7, Lines 55-59).

Claim 5 is rejected wherein the “receiving device comprises a video monitor” [154] (Col 9, Lines 17-25).

Claim 6 is rejected wherein the “receiving device comprises a telephone handset” [144] (Col 8, Lines 47-50).

Claim 7 is rejected wherein the “receiving device comprises an intercom” [124] (Col 4, Lines 4-10).

Claim 8 is rejected wherein the Galipeau et al. reference discloses a “communications system” for use in an “aircraft” [10]. As previously set forth, the “system” comprises a “seat unit operable to receive a plurality of signals bussed through the aircraft” [18] (Figures 6A/B), a “first audio processing circuit” [196] “operable to generate audio signals . . . being coupled to the seat unit over a wireline communication channel” [20] (Figures 9 A/B; Col 11, Lines 9-21), and a “first telephone signal processing circuit” [188] “operable to receive and send telephone signals . . . being coupled to the seat unit over a wireline communication channel” [20] (Figures 9 A/B; Col 10, Lines 39-46). The “seat unit” [18], as illustrated in

Art Unit: 2614

Figures 6 A/B) further comprises a “first audio processing receiving circuit” [120] “operable to receive the audio signals for processing and delivery to a passenger audio transducer” (or speaker) (Col 7, Line 33 – Col 8, Line 39), a “second telephone signal processing circuit” [142] “that is operable to receive and send . . . the telephone signals for delivery to and from a passenger telephone handset” [144] (Col 8, Line 40 – Col 9, Line 15) and “electrically circuitry” [92] “coupled to and shared by the first audio processing receiving circuit and the second telephone processing circuit” (Col 6, Lines 7-13).

In consideration of claim 9, for the purposes of searching for and applying prior art under 35 U.S.C. 102 and 103, the phrase "consisting essentially of" has been construed as equivalent to "comprising" in accordance with MPEP 2111.03. Accordingly, the claim is rejected wherein the “plurality of signals of disparate nature comprise the group consisting essentially of audio, video, and data signals” (Col 3, Lines 1-10).

Claim 10 is rejected wherein the “first audio processing unit comprises a radio audio processing unit” [196] (Col 11, Lines 9-21).

Claim 11 is rejected wherein the system further comprises a “second audio processing unit” [194] “operable to generate audio and video signals and being coupled to the seat unit” [18] over a “wireline communication channel” [20] (Figure 9/A; Col 10, Line 61 – Col 11, Line 8).

Claims 12 and 13 rejected wherein the “passenger transducer comprises a video monitor” [154] and a “speaker” for outputting the audio associated with the video programming (Col 9, Lines 21-25 and 32-37).

Claim 14 is rejected wherein the system further comprises a “telephone handset” [144] “coupled to the first telephone signal processing unit for directing telephone signals to the passenger” [188] (Col 2, Lines 24-36; Col 10, Lines 39-46).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

- The Booth et al. (US Pat No. 5,835,127) reference discloses an integrated electronic system that provides telephone, interactive entertainment and other amenities within an aircraft.
- The Margis (US Pat No. 5,568,484) reference discloses a telecommunications system and method for use on aircraft and other vehicles.
- The Infiesto et al. (US Pat No. 5,808,661) reference discloses an intercom system that allows a flight attendant and passengers to communicate with one another.
- The Wakai et al. (US Pat No. 5,973,722) reference discloses an in-flight passenger entertainment system wherein an integrated distribution unit (SEU) is operable to provide audio, video, and data services.
- The Scott et al. (US Pat No. 5,790,787) reference discloses an integrated interface device [7] for supporting audio, video, and data services.

Art Unit: 2614

- The Reed et al. (US Pat No. 6,058,288) reference discloses a system and method for providing audio, video, and data services through an integrated interface [240] within an in-flight passenger entertainment system.
- The Sklar (US Pat No. 5,923,743) reference discloses a single-wire telephone distribution system for use in a passenger aircraft.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 703-305-4907.

The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 703-305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SEB
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